

Town of Stow Comprehensive Permit Policy

The Stow Board of Selectmen have adopted the following Comprehensive Permit Policy,¹ which conveys our town's expectations for housing developed under Chapter 40B. The policy explains desired outcomes, sets minimum performance standards for all affordable housing developments, and describes the trade-offs that Stow is willing to explore with applicants for a comprehensive permit.

Synopsis

The Town of Stow maintains a tradition of working cooperatively and negotiating with affordable housing developers. We encourage comprehensive permit applications for rental developments that serve low-, moderate- and middle-income households. In addition, we prefer developments that conform to the historic architecture of our town and, whenever possible, make use of existing structures. We also prefer developments that are located close to Stow's existing villages. By guiding attractive, small-scale affordable housing development toward these areas, we want to create and sustain an inventory of low- and moderate-income housing units equal to 10% of all homes in our community.

Stow seeks to provide permanently affordable housing that benefits as many local residents as possible. Since our town is a small, low-density community, we prefer affordable housing developments of 50 units or less, with a density of 3-4 single-family dwellings per acre or 7-10 common-wall units per acre. Buildings in an affordable housing development need to meet Stow's 35' height limit. They should be designed to a maximum floor area ratio of .5 while preserving 30% open land on the parcel. A development located outside of our established villages ought to reflect the principles of traditional village design. A village needs a focus, a social amenity to act as its defining feature, such as a community center or recreational facility, trail linkages to adjacent open space, or in appropriately zoned areas, a small commercial establishment. In some instances, Stow may want to participate in a development in order to reduce density or increase the level of affordability.

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¹ Note to reader: This document was adopted by the Board of Selectmen on 12/17/02. It represents the ideas and contributions of the Stow Housing Task Force and Master Plan Committee. Ultimately, the document will be accompanied by a map entitled, "Map A: Areas Suitable for Higher Density Housing."

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Comprehensive Permit Policy

1. Community housing needs and priorities.

Currently, 117 units, or 5.55% of Stow’s year-round homes, qualify as low- and moderate-income housing units for purposes of Chapter 40B. Measured by the statutory threshold of 10%, the town presently has a shortage of 94 Chapter 40B units.²

Affordable Rental Units. The shortage exists most acutely among rental units for all income groups. The town encourages development that addresses this need. If able to choose between two concurrently filed Comprehensive Permit applications, the town will give preference to the application that increases the supply of rental units affordable to low and moderate-income households and substantially meets other local objectives outlined in this policy.

Mixed-Income Development. There is a significant gap between affordable units and the high-end units that the housing market is producing. Many in Stow were once middle-income housing consumers, having gotten their start in that niche. Therefore, to provide a range of housing alternatives for people in Stow, the town encourages mixed-income developments that include housing affordable to low-, moderate- and middle-income households (see “Definitions,” Appendix A).

2. Relationship to community planning goals.

The 1996 Stow Master Plan specifies several housing and residential development goals, including: (1) an increase in the supply of permanently affordable housing in a manner

² Based on the Chapter 40B Subsidized Housing Inventory in effect as of April 2002.

compatible with the town's historic architectural traditions (2) the preservation of the town's existing inventory of older, small dwelling units in order to maintain a diverse supply of homes, (3) the promotion of renovation, use conversion and infill development in established village areas over new construction in rural areas. This policy statement reflects those goals. A comprehensive permit development with the following characteristics will be deemed consistent with these goals:

- Design. Attached housing units should be designed to blend compatibly with surrounding single-family neighborhoods. Clusters of two, three, and four to eight-unit buildings that closely approximate traditional single-family residences and farmhouses will generally be consistent with the goals of the master plan; new construction of large, three-story garden apartment-style buildings will generally be inconsistent. Density achieved by compatible building design will be viewed more favorably than density achieved by substantial variations from the town's height requirements for homes in the zoning district where the site is located.
- Reuse. The town encourages comprehensive permits that promote appropriately designed conversion and reuse of existing structures to affordable multi-family, senior housing or single-room occupancy units.
- Village Design. The village concept is an important part of Stow's Master Plan. Stow strongly encourages affordable housing development in established village areas. Development outside of an existing village should be sensitive to traditional village design principles, notably by providing a common focal point – services, a community resource or an attraction or amenity for use by the public – so that at least one aspect of the lives of the new residents can be accommodated within the village. Ideally, the village's service or resource will serve residents of both the village and the town as a whole.

3. Development preferences.

The town will generally give preference to comprehensive permits with the following characteristics:

- Types of housing. See "Community Housing Needs and Priorities." In addition to a preference for affordable rental units, the town wants a mix of unit sizes to accommodate individuals and families. A development that includes studio, one- and two-bedroom apartments is preferable to one with no small units and a large number of three-bedroom units.
- Location. Stow will give preference to comprehensive permits in the following areas:
 - Areas zoned for residential use or a mix of residential and commercial uses, or for "Active Adult Neighborhood" development.
 - Areas in or adjacent to established villages and neighborhoods.
 - Areas with direct access to main roadways.
 - Areas outside of the groundwater protection overlay district.

- Areas within the groundwater protection overlay district if the development includes tertiary treatment of wastewater to ensure that there will be no degradation of the groundwater, and the total amount of development on the site, including buildings, roadways and parking, complies with the lot coverage requirements of the zoning bylaw.

Stow will look unfavorably at a comprehensive permit application to develop land in the following areas:

- Areas zoned for non-residential development, except when contained with an Active Adult Neighborhood overlay district. Only 4% of Stow's land is zoned for industrial use and the tax base needs diversification. Therefore, Stow needs to reserve industrial sites that have good transportation access for industrial uses.
- Areas defined as Riverfront Area according to the Massachusetts Wetlands Protection Act and its implementing regulations at 310 CMR 10.00.
- Density and Scale. The town recognizes that density is important to the feasibility of an affordable housing development. At the same time, the town has a public interest in promoting small-scale development. Generally, Stow will give preference to a small-scale affordable housing development over one of a larger scale, even if its density is lower. An application for fewer than 50 units is strongly preferred, subject to the following dimensional guidelines.
 - Units per acre. Requests to waive the density requirements of the Zoning Bylaw shall in all cases be accompanied by evidence of economic necessity. The town may accept an overall density of 3-4 units per developable acre for single-family dwellings and 7-10 units per developable acre for common-wall units, up to a maximum of 100 units in a development.
 - Phasing. Comprehensive permit developments are expected to comply with the town's growth phasing requirements within Section 8.6.4.1 of the Stow Zoning Bylaw.
 - Height. Stow limits residential buildings to a height of 35'. The town's small, mainly volunteer fire department has no ladder truck, which means that Stow would have to rely on mutual aid in the event of a fire in a building that exceeds 35'. In addition, Stow prefers affordable housing developments that are compatible with the rural-residential character of the town. Buildings should be harmonious with and enhance the town's existing architectural traditions.
 - Intensity of use. The Zoning Bylaw establishes a maximum floor area ratio for all districts except the Residential District, where the use intensity of land is not regulated because of the limited number of uses permitted in the district. Structures in a comprehensive permit development should not exceed a floor area ratio of .5 and they should comply in as many respects as possible with the design guidelines for residential uses in a Planned Conservation Development, including the preservation of 30% of the parcel as open land.

- Architectural and site plan standards. Wherever possible, applicants should comply with the site plan standards listed under Section 9.3.11 of the Zoning Bylaw.
- Other public benefits. Developments that provide public benefits in addition to the required percentage of affordable housing units are preferable to developments that provide no other public benefits. Specifically, the town encourages applicants to provide facilities that will add to the communal experience in Stow. Examples include a senior center or teen center, a public swimming pool, a recreation field, open space linkages, a transportation enhancement such as a shuttle service or an intersection improvement, or a commercial establishment that meets the needs of local residents. If able to choose between two concurrently filed Comprehensive Permit applications that will result in similar impacts, the town may give preference to one that provides a community facility usable by the public. Other significant public benefits would be a higher percentage of affordable units, the inclusion of middle-income housing units, the preservation of a historically significant building, or the provision of a utility function available to others in the town, such as common water or septic treatment capacity.

4. Performance standards.

The town expects all affordable housing proposals to meet the following minimum standards:

- Desired percentage(s) of affordability:³ 25-40% for rental and homeownership developments, 50% for single-room occupancy and elderly housing developments. In homeownership developments, a higher percentage of units eligible for inclusion in the Chapter 40B Subsidized Housing Inventory may be considered a reasonable trade-off, when necessary, for a modest increase in density.
- Income targets: rental developments should provide a continuum of affordability, meaning units priced for households at 50%, 80%, and 110% of median family income. Depth of affordability may be considered a reasonable trade-off, when necessary, for a modest increase in density or a commitment by the town to seek or support additional subsidies for the development.
- Term of affordability: affordable units shall be permanently affordable. All comprehensive permit decisions will be conditioned upon the perpetual affordability of the Chapter 40B units.
- Accessibility: Affordable housing developments should provide units accessible to persons with disabilities.

³ It is understood that applicants will provide at least 25% low- and moderate-income units as required for a development's inclusion in the Chapter 40B Subsidized Housing Inventory.

- Minimization of land use conflicts: A development that meets the density, scale, design preferences and performance standards of this policy and is located in a residential zoning district will be presumed compatible with surrounding neighborhoods. Developments located in or adjacent to a commercial or industrial zoning district should be mixed-use, not exclusively residential, and must provide a 50' landscaped buffer along the perimeter of the site.
- Affirmative Action: Comprehensive permit developments must have an affirmative action marketing plan.

5. “Local preference” allocation of affordable housing units.

To the maximum extent allowed by law, comprehensive permit developments shall provide for local preference tenant or homeowner selection procedures. “Local preference” tenants or homeowners include current town residents or their immediate family members (such as adult children or elderly parents), employees of the town or the regional school district, non-residents who work for private business or non-profit establishments within the town, and individuals who grew up in and wish to return to the town.

6. Community participation.

The town may elect to invest local resources or seek additional subsidies for a comprehensive permit development. This participation could take one or more of the following forms:

- An infusion of capital in the form of permanent, deferred-payment debt.
- Low-interest loans or financial assistance to reduce the cost of debt service for communal water supply and wastewater disposal facilities.
- Acquisition of one or more units.
- Acquisition of a portion of the site deemed significant to the town’s open space goals.

The town may want to participate for the following reasons:

- To reduce the density in order to increase open space, protect natural resources or control development impacts on municipal and school services.
- To increase the percentage of low-income affordable rental units without increasing the overall density of the development.
- To provide rental housing for very-low-income or elderly households and persons with disabilities.
- To secure units for a rent-to-own program.
- To increase the number of units affordable to middle-income households.

Appendix A: Definition of Housing Terms

<u>Levels of Affordability</u>	<u>% of Median Income</u>
Low Income	0-50%
Moderate Income	51-80%
Middle Income	81-110%

Infill Development means new development in village areas that results in greater density and satisfies many needs of the residents within the village. Infill development typically provides sufficient density to support local stores or recreational facilities within comfortable walking or bicycling distance, and makes common infrastructure facilities (water, sewer) economically feasible. Infill development is allowed by mixed use zoning, changes in regulations for village development, or transfer of development rights.

Appendix B Referenced Zoning Bylaws (Please refer to current version of the Stow Zoning Bylaw for complete text of the sections referenced herein)

- 1.3.24 FLOOR AREA RATIO - The ratio of the sum of the GROSS FLOOR AREA of all BUILDINGS on a LOT to the DEVELOPABLE SITE AREA of the LOT.
- 1.3.22 FLOOR AREA, GROSS - The sum of the horizontal areas of the several floors of a BUILDING measured from the exterior face of exterior walls, or from the centerline of a common wall, but not including any space where the floor-to-ceiling height is less than six feet.
- 1.3.14 DEVELOPABLE SITE AREA - The DEVELOPABLE SITE AREA shall be calculated by subtracting from the LOT area all land which is located in:
 - 1.3.14.1 A wetland, which shall mean a "freshwater wetland" as defined in Chapter 131, Section 40 of the General Laws and the Stow Wetlands Protection Bylaw, Article 9 of the General Bylaws;
 - 1.3.14.2 A Flood Plain/Wetlands District as defined in the Stow Zoning Bylaw;
 - 1.3.14.3 Another zoning district in which the principal use of the LOT is not also permitted;
 - 1.3.14.4 An access or right of way easement; and
 - 1.3.14.5 Any portion of the site with grades greater than 15%.

3.8.1 General Use Regulations Pertaining to All Districts

This section of the Zoning Bylaws requires all construction to be in compliance with the State Building Code. It sets limits on odor, dust, smoke, noise, heat, glare and vibration emanating from structures and the lot. It also sets standards for drainage and erosion control during and after construction.

7. Parking Regulations

This section assures that sufficient off-street parking and loading facilities are provided to meet the needs of the proposed and actual uses, providing improved safety for pedestrians and vehicular traffic, reduced street congestion, reduced nuisance to abutters from noise, fumes and headlight glare and unattractive views associated with large expanses of pavement and vehicles.

8.5 Planned Conservation Development (PCD)

The PCD permits a reduction of lot dimensional requirements and clustered developments with significant Open Land for recreational use by the development or town. The regulations provide for single-family and multi-family dwelling units and establish setbacks for building to public ways and property lines. Open Land is defined. The Parking Regulations of Section 7 of the Zoning Bylaws are imposed. Streets and utilities are required to comply with the Town of Stow Rules and Regulations governing the Subdivision of Land.

8.6.4.1 Phasing of Growth

For any development that includes 25 to 100% of its units for low and/or moderate income families, provides for affordability deed restrictions on these units and which is subsidized, a build schedule is permitted for 100% of the dwelling units per year for 1 to 50 dwellings, 50% for 51 to 80 dwelling units and 33% for greater than 80 dwelling units.

9.3.11 Site Plan Design Criteria

This section assures that adequate consideration will be given to the natural resources and characteristics of a site, to its topographic, hydrologic and geologic conditions, to public convenience and safety, and to the suitability of a proposed use on a site. Architectural styles should be in harmony with the prevailing character and scale of buildings in the neighborhood. The development should not excessively burden town services and infrastructures. Utilities shall be underground. The development shall comply with all zoning requirements for parking, loading and lighting.

Floor Area Ratio (FAR) is defined in Section 1 paragraph 1.3.24 of the Zoning Bylaws.

The definition of FAR and related terms from the Bylaw are:

- 1.3.25 FLOOR AREA RATIO - The ratio of the sum of the GROSS FLOOR AREA of all BUILDINGS on a LOT to the DEVELOPABLE SITE AREA of the LOT.
- 1.3.23 FLOOR AREA, GROSS - The sum of the horizontal areas of the several floors of a BUILDING measured from the exterior face of exterior walls, or from the centerline of a common wall, but not including any space where the floor-to-ceiling height is less than six feet.
- 1.3.15 DEVELOPABLE SITE AREA - The DEVELOPABLE SITE AREA shall be calculated by subtracting from the LOT area all land which is located in:
 - 1.3.15.1 A wetland, which shall mean a "freshwater wetland" as defined in Chapter 131, Section 40 of the General Laws and the Stow Wetlands Protection Bylaw, Article 9 of the General Bylaws;
 - 1.3.15.2 A Flood Plain/Wetlands District as defined in the Stow Zoning Bylaw;
 - 1.3.15.3 Another zoning district in which the principal use of the LOT is not also permitted;
 - 1.3.15.4 An access or right of way easement; and
 - 1.3.15.5 Any portion of the site with grades greater than 15%.